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EXAMINER				
LANGMAN, JONATHAN C				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**DETAILED ACTION**

***Response to Arguments***

The amendments to claims 12 and 15 are not to be entered since they raise new issues of consideration and would require further search.

The attorney argues that the header to the 112 rejections is incorrect. The Examiner agrees. The 112 rejection should only be directed towards claim 9. The examiner apologizes for inadvertently adding Claims 5, and 12-15 to the heading of the 112 1<sup>st</sup> paragraph rejection.

Applicant's arguments have overcome the new matter rejection. Specifically, the example on page 4 of the instant specification gives an example of the second layer as having a thickness of about 10 microns and is considered to provide support for the second layer having a range of between 10 and about 15 microns.

The applicant argues that the combination of Bouloud I and Bouloud II with Vondracek and Verweij is improper since the references of Vondracek and Verweij are to a single layer for a steam iron and not a second layer that is deposited over a first layer that is essentially impermeable to water and is thermally insulating as recited in the claims.

The applicant argues that "the motivation cited in the Final Office Action, namely to increase strength in the coating is not achieved when the coating is applied over a further coating". This is merely an assertion not supported by evidence or fact. It is noted that "the arguments of counsel cannot take the place of evidence in the record",

*In re Schulze*, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965). It is the examiner's position that the arguments provided by the applicant regarding this argument must be supported by a declaration or affidavit. As set forth in MPEP 716.02(g), "the reason for requiring evidence in a declaration or affidavit form is to obtain the assurances that any statements or representations made are correct, as provided by 35 U.S.C. 24 and 18 U.S.C. 1001".

The applicant argues that a routineer in the art would not look to Vondracek, since Vondracek only teaches one layer. The Examiner disagrees. Note that while Vondracek does not disclose all the features of the present claimed invention (a two layer system), Vondracek is used as teaching reference, and therefore, it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather this reference teaches a certain concept, namely that alumina particles may be added to sodium silicate coatings in order to increase strength (col. 3, lines 1-46), and furthermore that colloidal clays may be added to sodium silicate in order to aid in deposition (col. 4, lines 19-24), and in combination with the primary reference, discloses the presently claimed invention.

The applicant argues that the Verweij reference is misused by the Examiner. The applicant argues that Verweij teaches that the phosphate acid in the coating reacts with the steam chamber aluminum bottom and the inorganic oxides of the coating to

enhance the reaction, and that to overlie this layer over anything other than an aluminum steam chamber would not be obvious.

The rejection was not to modify Bouloud II by placing Bouloud II's aluminum phosphate coating over the aluminum chamber. Rather the combination was to show the equivalency of alumina, silica, and magnesia particles in aluminum phosphate coatings in order to provide a known treatment layer.

Note that while Verweij does not disclose all the features of the present claimed invention, Verweij is used as teaching reference, and therefore, it is not necessary for this secondary reference to contain all the features of the presently claimed invention, *In re Nievelt*, 482 F.2d 965, 179 USPQ 224, 226 (CCPA 1973), *In re Keller* 624 F.2d 413, 208 USPQ 871, 881 (CCPA 1981). Rather this reference teaches a certain concept, namely that acid phosphate treatments comprising colloids of alumina, magnesia, and silica are known topcoats in iron chambers, and therefore in combination with the dual layer of Bouloud II, the primary reference, discloses the presently claimed invention.

The applicant argues that Verweij does not establish equivalency, and argues that Verweij teaches that a known steam chamber coating (silicate layer) showed flaking whereas the inventive coating of Verweij was unaffected. This interpretation of Verweij is misinterpreted. Verweij teaches an inventive coating comprising an acid treatment (with aluminum phosphate components) of inorganic particles such as colloidal alumina, silica or magnesia. Bouloud II teaches a coating comprising an acid treatment

(including aluminum tri phosphate) of inorganic particles such as colloidal silica. It is the examiners position that the acid treated coating comprising silica particles, as taught by Bouloud II, would have obviously been modified by a routineer in the art, in light of Verweij's disclosure, to include colloidal alumina as a known and functionally equivalent alternative to colloidal silica.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN C. LANGMAN whose telephone number is (571)272-4811. The examiner can normally be reached on Mon-Thurs 8:00 am - 6:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on 571-272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JCL

/JENNIFER MCNEIL/  
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